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11 *Plaintiffs for the 22 States*

12
13 UNITED STATES DISTRICT COURT
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15 NORTHERN DISTRICT OF CALIFORNIA
16
17 OAKLAND DIVISION
18

19 IN RE: CATHODE RAY TUBE (CRT)
20 ANTITRUST LITIGATION

CASE NO. 4:08-cv-1559-JST
MASTER FILE NO. 4:07-cv-5944 JST
MDL NO. 1917

21 This Document Relates to:

22 *Gianasca et al. v. LG Electronics, Inc., et al.,*
23 Case No. 4:08-cv-1559-JST

**INDIRECT PURCHASER PLAINTIFFS'
RESPONSE TO MOTION TO AMEND
COMPLAINT OR OTHERWISE PURSUE
PENDING CLAIMS**

Hearing Date: December 15, 2022
Time: 2:00 p.m.
Courtroom: 6, 2nd Floor
Judge: Hon. Jon S. Tigar

1 The Indirect Purchaser Plaintiffs (“IPPs”) hereby respond to the Motion to Amend
2 Complaint or Otherwise Pursue Pending Claims, ECF No. 6072 (the “Motion”).

3 IPPs do not oppose the motion filed by Anthony Ganasca and the Estate of Barbara
4 Caldwell to amend the complaint filed in *Terry et al. v. LG Electronics, Inc., et al.*, Case No. 4:08-
5 cv-1559-JST (“*Ganasca*”). However, the proposed amended complaint attached to the Motion as
6 Exhibit 5, ECF No. 6072-5, is titled “INDIRECT PURCHASER PLAINTIFFS’ *FIFTH*
7 AMENDED COMPLAINT” (emphasis added). In addition, the case caption does not include the
8 *Ganasca* case number, and states that the document relates to: “ALL INDIRECT PURCHASER
9 ACTIONS.” ECF No. 6072-5 at 2.

10 To the extent Ganasca and Caldwell are proposing to amend IPPs’ operative Fifth
11 Consolidated Amended Complaint (ECF No. 5589), IPPs oppose the Motion. As this Court has
12 already found, it is improper to attempt amend another party’s complaint. *See* Order Denying
13 Motion to Intervene and Amend Complaint to Allege State Law Claims for the Other Repealer
14 States, ECF No. 5628 at 3 (“In addition to these considerations, there is the practical reality that
15 ORS Movants are attempting to amend someone else’s complaint. They cite no authority
16 permitting a proposed intervenor to take such a step, and the Court concludes it is not allowed.
17 Thus, even if their motion to intervene could be granted, their motion to amend the existing IPP
18 complaint would fail.”).

19 Finally, IPPs note that the Motion is replete with factual misrepresentations and
20 misstatements about IPP Lead Counsel and the procedural history of this case. IPP Lead Counsel
21 has shown these claims to be false on numerous occasions, and they have been correctly rejected
22 as baseless by this both Court and the Ninth Circuit. *See, e.g.*, ECF No. 5586 at 12-13 (rejecting
23 similar assertions as vague and unaccompanied by “any explanation of supporting facts”).

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1 Dated: September 30, 2022

Respectfully submitted,

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3 By: /s/ Mario N. Alioto

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